

ORDINANCE NO. 2020-007

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION AND FEES", ARTICLE II. LOCAL BUSINESS TAX, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, REVISING HIALEAH CODE SECTION 86-34 ENTITLED "BUSINESS TAX RECEIPT REQUIRED", TO RESCIND SUBSECTION (C) TEMPORARY BUSINESS TAX RECEIPT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the specific purpose and intent of this ordinance is to rescind the temporary business tax receipt ordinance and end the program which allowed businesses to operate pending correction of code violations upon payment of an enhanced fee subject to a corrective action plan;

WHEREAS, the City believes that ending the temporary business tax receipt program will encourage compliance with all applicable codes and promote good stewardship;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation and Fees", Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, Florida, in particular, Hialeah Code § 86-34 entitled " Business tax receipt required ", is hereby amended to read as follows:

Chapter 86

TAXATION AND FEES

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ARTICLE II. LOCAL BUSINESS TAX

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Sec. 86-34. - Business tax receipt required.

- (a) No person shall engage in or manage any business, profession, service or occupation in the city, for which a business tax receipt and fee are required in this Code, without first obtaining such business tax receipt and paying the required fee.
- (b) Separate business tax receipts will be required for each place of business or by each separate classification of business at the same location.
- (e) ~~Temporary business tax receipt. The city may issue a temporary business tax receipt for 45 days upon payment of double the amount of the business tax to engage in or manage any business, profession, service or occupation in the city for which a business tax receipt and fee are required in this Code prior to final approval of the fire department if the applicant for the business tax receipt actively takes corrective action to complete a cure plan approved by the fire department to eliminate any fire code violations or deficiencies. The business tax administrator shall certify that all other requirements and approvals have been provided prior to providing the business tax receipt.~~

~~Upon payment of three times the amount of the business tax, the city may issue a temporary business tax receipt for 90 days prior to final approval of the fire department if the applicant for the business tax receipt actively takes corrective action to complete a cure plan approved by the fire department. The fire department reserves the right to modify the cure plan if additional violations are discovered or revealed while corrective action is being taken. If the cure plan requires additional time beyond 90 days and only upon approval of the fire chief or fire marshal based on good cause, the expiration of a temporary business tax receipt may be extended upon payment of an additional amount equal to the business tax. The local business tax section will provide an annual business tax receipt only after the fire department has given its final approval based on the completion of a cure plan that has eliminated all fire code violations or deficiencies covered in the cure plan. If the temporary business tax receipt expires prior to final fire department approval, the applicant shall cease operating the business immediately. The police department shall have~~

~~authority to prevent access to the premises, including locking outside doors facing the street or public areas until such time that an annual business tax receipt has been issued or provided.~~

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 11 day of February, 2020.

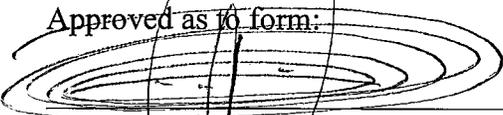

Paul B. Hernandez
Council President

Attest:

Approved on this 19 day of February, 2020.


Marbelys Fajó, City Clerk


Mayor Carlos Hernandez

Approved as to form:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Cue-
Fuente, De La Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and
Zogby, voting "Yes".

~~Strikethrough~~ indicates deletion. Underline indicates addition.